S.B. Civil Writ Petition No.6734/02

Ramakant Arya

Vs.

Secretary, Urban Development & Housing Department & Ors.

Date of Order : 25/05/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. Rajeev Sogarwal, for petitioner
Mr. B.K. Sharma, Dy.G.A.

Instant petition has been filed for execution of the order passed by the Tribunal in Appeal No.52/97 dt.14th June, 1999 whereby it was directed that petitioner is entitled for benefit of Rule 26-A of Rajasthan Service Rules and compliance be made within three months.

Since the respondents failed to pass any order in compliance of the order of Tribunal dt.14th June, 1999, the petitioner was constrained to file the present petition. On the last occasion when the matter came up before this court, counsel for respondents was directed to find out as to whether any writ petition has been filed against the order passed by the Tribunal, of which petitioner is seeking implementation. Respondents' counsel is not having any information about filing of the writ petition.

The Tribunal has been constituted under the Rajasthan Civil Services [Service Matters Appellate Tribunals] Act, 1976 with an object to provide expeditious relief to the government employees with regard to their service dispute and this court is not entertaining the writ petition because of availability of alternative expeditious remedy to them.

It is very sorry state of affairs that after the orders are passed by the learned Tribunal in favour of employee he is compelled to approach this court for its implementation. There is no provision available under the Act, 1976 which authorizes the Tribunal to get its own order implemented as has been earlier observed by this court. Even in the instant case, the order passed in favour of petitioner is of 1999 and sufficient 7 years have passed and no explanation is coming forward from the respondents as to why the relief as granted by the Tribunal has not been extended to the petitioner.

I hereby allow the writ petition with the direction to the respondents to implement the order of Tribunal within a period of two months and since the petitioner has been constrained to file the petition for non-compliance of the order of Tribunal for last 7 years, I consider it proper to impose cost on the respondents in not passing the appropriate order which I quantify of Rs.5,000/-.

[Ajay Rastogi],J.

FRB